

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 165 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

JIGNABEN D/O. NARANBHAI

DHARAMSHIBHAI PARMAR

Versus

STATE OF GUJARAT

Appearance:

MR HN JHALA for Petitioner

PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/01/2001

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. Chargesheet was submitted against the petitioner in
the Court of 9th Metropolitan Magistrate Court at
Ahmedabad for the offences punishable under sections 420,

465, 457, and 471 of I.P.C.. The petitioner pleaded not guilty to the charges and naturally the trial court has to proceed with the trial of the case. The complainant and other witnesses were examined by the prosecution to prove its case. At the end of the prosecution evidence, the statement of the petitioner were recorded under section 313 of Cr.P.C.. The petitioner filed an application at Ex.20 praying for first calling the handwriting expert named by her to take handwritings of the petitioner before the Court and thereafter to send it for its comparison with Ex.7, which is the application form of Gujarat University for Annual Convocation for conferring degrees. This application came to be rejected by the learned Judicial Magistrate by his order dated 4th January, 1999. Hence, this special criminal application under Article 226 of the Constitution.

#. It is an interlocutory order. The petitioner at any point of time earlier to the completion of the prosecution's witnesses as well as her statement under section 313 of Cr.P.C. has not made any application for examination of the document by the handwriting expert. In the facts of this case, it appears that this application has been filed, though I am not expressing any final opinion, to delay the trial of the criminal case and in furtherance of that object, this petition has been filed. The petitioner attempted by filing this petition to stall the final trial. It is only an interlocutory order and in case ultimately the petitioner is convicted in the case then while challenging the order of her conviction, she can challenge this order in the appeal.

#. In the result, this special criminal application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs. However, the dismissal of this special criminal application will not come in the way of the petitioner, if she so desire, to challenge this order in case where she is convicted, in the appeal to be filed.

zgs/-